

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

ANTHONY BROWN, )  
                        )  
Plaintiff,         )  
                        )  
v.                     )  
                        )  
DEON KELLEY, et al., )  
                        )  
Defendants.         )

## **MEMORANDUM AND ORDER**

This matter is before the Court upon review of the file. Plaintiff Anthony Brown initiated this civil rights action while he was an inmate at the Phelps County Jail. He filed a motion seeking leave to proceed without prepaying fees and costs, but he did not submit the inmate account statement required by 28 U.S.C. § 1915(a)(2). On January 23, 2020, plaintiff filed a notice of change of address with this Court, providing the address of a private residence. Additionally, information from the Bureau of Prisons indicated that plaintiff had been released from custody.

On January 28, 2020, the Court entered an order directing plaintiff to either pay the \$400 filing fee, or file an updated motion for leave to proceed *in forma pauperis* that contained information about his current finances. The Court cautioned plaintiff that his failure to timely respond would result in the dismissal of this case, without prejudice and without further notice.

Plaintiff's response was due on February 27, 2020. However, to date, plaintiff has neither responded to the Court's order, nor sought additional time to do so. Plaintiff was given meaningful notice of what was expected and ample time to comply, and he was cautioned that dismissal may result from his failure to timely comply. Therefore, the Court will dismiss this action at this time, without prejudice, due to plaintiff's failure to comply with the Court's January 28, 2020 order. *See*

Fed. R. Civ. P. 41(b); *see also Brown v. Frey*, 806 F.2d 801, 803-04 (8th Cir. 1986) (a district court has the power to dismiss an action for the plaintiff's failure to comply with any court order). The Court will also deny as moot plaintiff's motion seeking leave to proceed *in forma pauperis*, and his motion seeking the appointment of counsel.

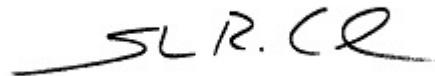
Accordingly,

**IT IS HEREBY ORDERED** that this case is **DISMISSED** without prejudice. A separate order of dismissal will be entered herewith.

**IT IS FURTHER ORDERED** that plaintiff's motion for leave to proceed *in forma pauperis* (ECF No. 2) is **DENIED** as moot.

**IT IS FURTHER ORDERED** that plaintiff's Motion to Appoint Counsel (ECF No. 3) is **DENIED** as moot.

Dated this 27th day of March, 2020.



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STEPHEN R. CLARK  
UNITED STATES DISTRICT JUDGE